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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,088

Applicant(s)

RAI, VIKRAM

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7-9, and 11-14 rejected under 35 U.S.C. 102(e) as being anticipated by Sumner, U.S. Patent No. 6,091,947.

Regarding claim 1, Sumner discloses a method for delivering user information over a communication system, the method comprising the steps of receiving user identified information comprising voice signals over a signaling channel (col. 2, lines 57-63); and transmitting the received information to a destination over an available traffic channel (col. 2, line 66-col. 3, line 2, col. 5, lines 56-59).

Regarding claim 7, Sumner discloses the method of claim 1 where the received information is transmitted over an available traffic channel at a time determined by the

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communication system when the user has not specified a transmission time (col. 6, lines 21-23).

Regarding claim 8, Sumner discloses the method of claim 1 further comprising the step of postponing the transmission of the received information until at least one traffic channel becomes available (col. 5, lines 1-30, col. 6, lines 21-22).

Regarding claim 9, Sumner discloses a method for transmitting user identified storable information with a communication device over a communication system, the method comprises the steps of inherently formatting identified storable information comprising voice signals in accordance with a protocol being followed by the communication system (col. 2, lines 57-63, col. 3, lines 24-46), and transmitting the user identified storable information comprising voice signals over at least one signaling channel of the communication system (col. 2, line 66-col. 3, line 2, col. 5, lines 56-59).

Regarding claim 11, Sumner discloses the method of claim 9 where the communication device is either a cellular phone, a PDA or a personal computer (col. 2, lines 17-20).

Regarding claim 12, Sumner discloses a method for receiving user identified storable information with a communication device over a communication system, the method comprising the steps of receiving an alert signal over a signaling channel of the communication system (col. 8, lines 57-61), transmitting a response signal over a signaling channel of the communication system (col. 6, lines 24-30), and receiving user identified storable information comprising voice signals over a traffic channel of the communication system (col.2, lines 57-63).

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Regarding claim 13, Sumner discloses the method of claim 12 where the step of transmitting a response signal over a signaling channel comprises formatting the response signal in accordance with a protocol being followed by the communication system (col. 6, lines 21-30).

Regarding claim 14, Sumner discloses the method of claim 9 where the communication device is either a cellular phone a PDA or a personal computer (col. 2, lines 17-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner in view of Boltz et al (Boltz), U.S. Patent No. 6,044,275.

Regarding claims 2 and 10 Sumner discloses the method of claims 1 and 9 where the step of receiving/formatting user identified storable information further comprises storing the received information/obtaining the user identified storable information with a communication device (col. 4, lines 8-13, col. 5, lines 56-59), transmitting an alert signal over a signaling channel to the destination (col. 8, lines 57-61) and receiving a response signal over the signaling channel from the destination (col. 6, lines 23-30).

Sumner, however, fails to disclose determining/inserting transmission time and a destination from the received information.

In a similar field of endeavor, Boltz discloses a system and method for time-defined delivery of messages. Boltz further discloses determining/inserting transmission time and a destination for a message (col. 3, lines 24-36, col. 4, lines 44-62).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sumner with the teachings of Boltz for the purpose allowing a user more control over when to deliver messages throughout a cellular system.

Regarding claim 3, the combination of Sumner and Boltz discloses the method of claim 2 where the step of transmitting an alert signal comprises formatting the alert signal in accordance with a protocol being followed by the communication system and transmitting the alert signal over a signaling communication channel prior to the transmission time where the transmission time is specified by the user or by the system (Boltz, col. 2, lines 35-37, col. 4, lines 30-33).

Regarding claim 5, the combination of Sumner and Boltz discloses the method of claim 2 where the step of transmitting an alert signals further comprises the steps of waiting for a user specified time period for a signal responding to the transmitted alert signal, retransmitting the alert signal a certain number of times specified by the user and transmitting a message to the user over a signaling channel informing the user that the information cannot be delivered to its destination when no response signal is received after a certain number of retransmission has occurred (Boltz, col. 2, lines 16-25).

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Regarding claim 6, the combination of Sumner and Boltz discloses the method of claim 2 where the step of determining a transmission and a destination address comprises the step of retrieving transmission time data and the destination data from the received information (Boltz, col. 3, lines 25-33).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner, Boltz and further in view of Matsukane et al (Matsukane), U.S. Patent No. 5,467,341.

Regarding claim 4, the combination of Sumner and Boltz discloses the method of claim 2 as described above. The combination, however, fails to disclose where the alert signal is transmitted a certain number of times designated by the user.

In a similar field of endeavor, Matsukane discloses an apparatus and method for alerting computer users.

Matsukane further discloses where an alert signal is transmitted a certain number of times designated by a user (abstract, lines 16-20).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Sumner and Boltz with the teachings of Matsukane for the purpose of ensuring the message is received.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

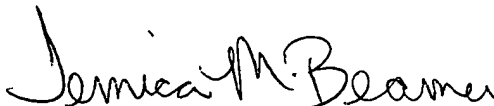
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

May 31, 2005


TEMICA BEAMER
PRIMARY EXAMINER